

REMARKS

Claims 1-55 remain in this case.

Preliminary matters

In this Office Action the Examiner states that applicants have received an action on the merits. Applicant disagrees. The first office action rejected the claims on the basis that the oath/declaration was improper. In response, a Supplemental Declaration was filed adding the phrase "up until the time of filing of this declaration". Applicants have previously made no amendments to the claims or any arguments with respect to the claims. Therefore, this Office Action is the first action on the merits.

The Office Action mailed 19 Nov 2003 is properly a non-final office action. Reconsideration of the Examiner's position with regard to the finality of this Office Action is requested.

In light of the Examiner's restriction requirement, applicant elects Claims 1-45 for prosecution.

Substantive matters

Support for the amendment to claim 21 and the addition of claim 55 is found in figures 4-9 and column 4, lines 5-10, 39-42 and 55-63.

Claims 21-45 have been rejected as anticipated Plaia '169 while claims 24-31 have been rejected as obvious over Plaia '169 in view of Lentz '881.

Claim 21 has been amended to emphasize that the artificial inner layer is positioned to cover the end flap. There is nothing in the two cited references disclosing or suggesting this aspect of the invention. Dependent claim 55 emphasizes further differences between the claimed invention and the cited art. Accordingly, claim 21 and the claims depending therefrom are allowable over the cited art.

If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

Dated: 30 January 2004


James F. Hann, Reg. No. 29,719

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, California 94019
Phone: 650-712-0340
Fax: 650-712-0263